

From: [Thomas M. Bowlus](#)
To: [Ron.Roelker@aecom.com](#); [Blattner, Wray](#); [Laurence W Prange](#); [Wolfe, Stephen](#); [archie.lunsey@epa.state.oh.us](#)
Cc: [Matt Knecht](#)
Subject: Comments on Second Draft VAP Phase I and Proposed Sampling Locations
Date: Tuesday, February 19, 2013 9:40:28 AM
Attachments: [Commentson2ndAECOMDraftPhaseI.pdf](#)

Ron, et al.:

Attached is a letter from our VAP Certified Professional, Matt Knecht (from HzW Environmental Consultants, LLC) regarding our comments on your Revised Draft VAP Phase I for the former Whirlpool Park property.

If you, or anyone else, has any questions concerning our comments, or would like us to clarify any of our positions, please let me know.

In addition, we would be interested in hearing any comments which USEPA or Ohio EPA might have regarding this Revised Draft Phase I.

Thanks, Tom.

Thomas M. Bowlus, Esq.
The Bowlus Law Firm, Ltd.
207 N. Park Ave
Fremont, Ohio 43420
Ph: (419) 332-8260
Fax: (419) 332-4387
tombowlus@bowluslaw.com
www.bowluslawfirm.com



HzW ENVIRONMENTAL
CONSULTANTS, LLC

February 19, 2013

Thomas M. Bowlus, Esq.
The Bowlus Law Firm, Ltd.
207 N. Park Ave
Fremont, Ohio 43420

Subject: *Comments on Revised Draft Voluntary Action Program (VAP) Phase I Property Assessment for the Former Whirlpool Park Property (FWP), Township Road 181, Green Creek Township, Sandusky County, Ohio*

Dear Mr. Bowlus:

HzW Environmental Consultants, LLC (HzW) has had the opportunity to review the subject document. The purpose of this letter is put forth our comments on the revised draft VAP Phase I Property Assessment ("Draft VAP Phase I") of the former FWP. As with our comment letter on the initial draft VAP Phase I document, HzW has attempted to touch on some of the broader elements associated with the report.

Comment 1: Section 1.1

The statement "[s]oil samples analyzed as part of a previous site investigation...detected PCBs...above and below the applicable VAP standards..." is true, although – bearing in mind the intended unrestricted residential land use of the FWP – six (6) of the seven (7) samples collected and analyzed by the U.S. EPA exceeded the VAP single chemical generic direct contact standard for PCBs (1.2 milligrams per kilogram [mg/kg]). It is conceded that one (1) of the samples analyzed by U.S. EPA was collected below the VAP unrestricted residential land use point of compliance of 10 feet below ground surface.

Comment 2: Section 1.1

It is understood that the provisions of the Toxic Substances Control Act (TSCA) apply at the FWP, particularly given statements made by the U.S. EPA in the field on December 11, 2012. Further, it is understood that should U.S. EPA issue enforcement orders under TSCA, the FWP would be ineligible to participate in the VAP until such time as those orders are satisfied.

Comment 3: Section 1.4

This section states that "the future use is currently intended to be residential". The inclusion of "currently" implies that the future land use of the FWP somehow remains "in flux". The current property owner has made his intentions clear by obtaining permits to construct a residence and septic system (as well as converting the electrical to residential, and gaining approval to extend residential water lines) on a portion of the property. We would restate our previous comment that the document should reflect that, for the purposes of the VAP, the anticipated and intended future land use is unrestricted residential.

Comment 4: Section 2.1

Question: Is the highlighting of Thornton Stokes' ownership of the FWP property between 1950 and 1953 – coupled with the statement in Harry Burroughs' interview that Mr. Stokes was a "vice president of Clyde Porcelain Steel" – intended to establish a foundation that Clyde Porcelain Steel (through Mr. Stokes) *may* have dumped materials at the FWP (particularly in the area of the future swimming pool) before Clyde Porcelain Steel was acquired by Whirlpool Corporation? No other evidence suggests this "dumping" may have taken place, which is why it is curious that Mr. Stokes' ownership of the former FWP property (and his status as vice president of Clyde Porcelain Steel) is highlighted prominently.

Comment 5: Section 2.2.1

Again, as stated in our original correspondence of January 4, 2013, we disagree that the 1969 historical topographic map is "generally the same as the 1958 topographic map". A side-by-side comparison of these two maps shows considerable additional fill placement in what HzW has termed the "former east ravine" at some point between 1958 and 1969. Simply stated, we continue to believe that historic topographic maps provide evidence of significant filling in the former east ravine at some point between 1958 and 1969.

Comment 6: Section 2.2.2

We believe that the narrative in this section narrows the time frame for the in-fill of the former east ravine. The narrative for the 1957 aerial photograph notes a "wooded ravine is present on the east side of the South Triangle". The 1960 aerial photograph shows that "...trees are no longer visible along the ravine in the east side of the South Triangle." Finally, the 1964 aerial photograph "shows...disturbed areas around the *former* east ravine" (emphasis added). It would seem that the historical aerial photographs lend support that the 1969 topographic map is *not* "generally the same as the 1958 topographic map".

Finally, without wishing to belabor a relatively insignificant point, the concrete basketball court is not obvious in the aerial photograph labeled "1988", while it is very obvious in photographs reported to have been taken in 1987 and 1991. Is it possible that the EDR photograph labeled "1988" has an incorrect date?

Comment 7: Section 2.2.5

Question: Is the disposition of the dredged spoils removed from the East Pond and portions of the Mill Race in 1968, 1980 and 1987 known? Were these materials spoiled on the FWP property, and, if so, where?

Comment 8: Section 2.3

When interviewed by the undersigned, Mr. Druckenmiller confirmed Mr. Chapman's statement that soils from excavation of the swimming pool were placed into the former east ravine. However, Mr. Druckenmiller indicated that the location of the future swimming pool was a "natural bowl", and that the amount of soil removed during excavation of the swimming pool was only a "small fraction" of what would have been required to completely fill the former east

ravine. Mr. Druckenmiller stated a clear recollection of "four white swans" that "swam in the water" in the former east ravine, and that it was not his or anyone else's intent to deprive these swans of their "home". Further, Mr. Druckenmiller stated that he "took the first shovel of dirt" out of the excavation for the future swimming pool and that the material was "virgin earth". When the undersigned indicated that a former western adjacent property owner (a female) suggested that the area of the future swimming pool in the early 1950s contained drums and "had been a dumping ground", Mr. Druckenmiller responded (emphatically) "that woman is [incorrect]". He reiterated that there was no evidence (to his mind) of anything having been dumped or discarded in the area of the future swimming pool, and re-stated that the ground in the area of the pool was "virgin".

With regard to Mr. Jenne, when interviewed by the undersigned, he indicated that the red truck disposed of the gray material in the area of the former east ravine on the FWP property with some regularity during the early 1960s, and "always came from the east along the Clyde-Green Springs Road, and returned the same way it came" (i.e., back towards the City of Clyde). Mr. Jenne also used the term "sludge" when describing the material pumped into the former east ravine.

Comment 9: Section 3.1

We would note (and believe that the Draft VAP Phase I should also note) that the nature of fill materials encountered by the U.S. EPA's contractor in 2012 was described as a sludge-like material, similar (in color and descriptive terminology) to the material described by Mr. Jenne in Section 2.3.

Comment 10: Section 4.0

It is unclear why fill placement from an off-Property source area ("origin unknown" [page 6 of the Draft VAP Phase I]) would not be considered when discussing the release history for the FWP property. If the author of the Draft VAP Phase I is relying upon the literal interpretation of "documented" (i.e., written), then the statement in this section gains some clarity. However, Ohio Administrative Code (OAC) Chapter 3745-300-06(B)(4) states that – when describing a property's "hazardous substance or petroleum release history" – "the objective of this portion of the phase I property assessment is to identify all known *or suspected* releases...which may have occurred on...the property" (emphasis added). Unless the author of the Draft VAP Phase I considers the information from Mr. Jenne not credible, or believes that all the fill placed into the former east ravine a) originated from an on-Property source area and b) that the fill from that on-Property source area was "clean", it is believed that the narrative in this section should be expanded. Re-stating information in our January 4, 2013 letter, it is HzW's opinion that the property has two separate release histories:

1. The intentional filling of the former east ravine with a "sludge" material (according to USEPA's contractor's boring logs and Mr. Jenne's interview) which may have been contaminated with a PCB cogener (Arochlor 1254) and certain metals. The concentrations of PCBs detected by USEPA's contractor exceed TSCA standards and VAP applicable standards for soil direct contact for an unrestricted residential use, as well VAP applicable standards for future construction and excavation activities. The extent of PCB-contaminated soil has not yet been determined.

2. The intentional disposal of debris in the area of the former grist mill, including concrete slabs, brush, at least one tank, and an unknown number of drums. No evaluation of soil or groundwater has been conducted in this portion of the property, although the presence of drums indicates that this area meets the VAP definition of an identified area.

Comment 11: Section 6.1

HzW's Certified Professional's opinion of the identified areas on the Property remains unchanged from that outlined in our January 4, 2013 letter. Based upon the "known or suspected releases" on the FWP property, HzW's Certified Professional remains of the opinion that there are the following "identified areas" on-site, as defined under the VAP:

- A. Soils in the entire southern portion of the site east of the Mill Race, including the former east ravine and any area (inclusive of the former tennis courts) where PCBs have been detected (or could reasonably be expected to be present) in excess of the VAP applicable standard for soil direct contact assuming an unrestricted residential land use. HzW would recommend that the horizontal boundaries of Identified Area 1 be expanded considerably. The point of compliance would be 10 feet for soil direct contact, and the protection of groundwater for any materials placed below the point of compliance (i.e., deeper than 10 feet).

Given the "semi-liquid/semi-solid" nature of the sludge-like materials described by Mr. Jenne, it is very likely that constituents of concern could have leached from the fill materials and proceeded to flow to:

- B. Sediments in the (now dry) East Pond.
- C. Sediments in that portion of the Mill Race between the East and West Ponds.
- D. Sediments in the (now dry) West Pond.
- E. All piping associated with the circulation of water in the swimming pool;
- F. All sand filters (both the primary and secondary sand filters); and
- G. Sediments in Flag Run downgradient of the swimming pool.

As for the remaining portions of the property, HzW's Certified Professional would add:

- H. The soil stockpiles (Identified Area 2 in the Draft VAP Phase I); and
- I. The former grist mill area and any filled areas south and east of the former grist mill (Identified Area 3 in the Draft VAP Phase I, although with the horizontal boundaries expanded considerably).

HzW would also note that the property owner is not opposed to the testing of soils beneath the former swimming pool, although there is limited information in the Draft VAP Phase I which would indicate that the soils beneath the pool constitute an identified area beyond a perceived inference that Clyde Porcelain Steel may have disposed of material in the area of the former swimming pool prior to 1953. In his interview with the undersigned, Mr. Druckenmiller seemed credible and lucid in his recollection as to the nature of soils prior to excavation in the area now occupied by the former swimming pool. However, as stated, the property owner is not opposed to the testing of soils beneath the former swimming pool, since the pool was considered an identified area in the initial draft of the VAP Phase I document.

Thomas M. Bowlus, Esq.
February 19, 2013
Page 5

The foregoing are the substantive comments that HzW would offer following our review of the second Draft VAP Phase I report for the FWP property. Should you have any questions, please do not hesitate to contact us.

Sincerely,

HzW ENVIRONMENTAL CONSULTANTS, LLC



Matthew D. Knecht
President
Ohio EPA VAP Certified Professional, No. 0105

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